

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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FAYE D. PEREZ,

Plaintiff,

v.

WORLD FINANCIAL GROUP,

Defendant.

Case No. 2:21-cv-00287-RFB-EJY

**ORDER**

Pending before the Court is Defendant World Financial Group's Motion to Compel Disclosures. ECF No. 45. No response to this Motion was filed.

Defendant explains that the parties previously agreed that May 6, 2022 would be the due date to exchange initial disclosures. On June 6, 2022, a month after the disclosures were due, Plaintiff emailed Defendant indicating she would make her disclosures shortly. Thereafter, in an email dated June 27, 2022, Plaintiff again represented to Defendant that she would complete her disclosures that day or the next. As of the date of this Order, Plaintiff has not made her initial disclosures. Plaintiff's repeated unfulfilled promises evidence her failure to engage in basic discovery required by the Federal Rules of Civil Procedure.

Parties engaging in civil litigation are expected "to approach discovery with an eye toward cooperation, practicality, and sensibility" while minimizing gamesmanship to ensure the "just, speedy, and inexpensive" resolution of disputes. *Big City Dynasty v. FP Holdings, L.P.*, 336 F.R.D. 507, 513 (D. Nev. 2020) *quoting* Fed. R. Civ. P. 1. Under Federal Rule of Civil Procedure 26(a)(1)(c), the disclosing party must make its initial disclosures within fourteen days of the initial scheduling conference or at a time set by stipulation or court order. "If a party fails to make a disclosure required by Rule 26(a), any other party may move to compel disclosure and for appropriate sanctions." Fed. R. Civ. P. 37(a)(3)(A). Federal Rule of Civil Procedure 37(c)(1) provides that if a party fails to provide information as required by Rule 26(a) the Court may impose appropriate sanctions, including dismissing the action in whole or in part. District courts have

1 “particularly wide latitude” to issue sanctions under Rule 37(c)(1). *Ollier v. Sweetwater Union High*  
2 *Sch. Dist.*, 768 F.3d 843, 859 (9th Cir. 2014).

3 The Court finds that Defendant’s Motion to Compel is properly granted. Not only is this  
4 decision supported by U.S. District Court for District of Nevada Local Rule 7-2(d), but also by Fed.  
5 R. Civ. P. 26(a)(1)(c). Because the Court grants Defendant’s Motion to Compel, the Court also  
6 grants Defendant an award of attorney’s fees and costs arising from or reasonably associated with  
7 the preparation of the Motion.

8 Accordingly, IT IS HEREBY ORDERED that Defendant World Financial Group’s Motion  
9 to Compel Disclosures (ECF No. 45) is GRANTED.

10 IT IS FURTHER ORDERED that Plaintiff must make her initial disclosures in compliance  
11 with Fed. R. Civ. P. 26 no later than **July 21, 2022**.

12 IT IS FURTHER ORDERED that Plaintiff’s failure to comply with this Order may result in  
13 additional sanctions up to and including a dismissal of Plaintiff’s Complaint.

14 IT IS FURTHER ORDERED that Defendant is awarded its reasonable attorney’s fees and  
15 costs associated with bringing its Motion to Compel. Defendant must file a memorandum of fees  
16 and costs supporting its fees and costs request that details the activities, hours spent (in tenths of  
17 hours), and the rate charged by each attorney who worked on the Motion to Compel. Appropriate  
18 redactions from billing records for attorney client privilege or work product may be made for the  
19 public filing with non-redacted copies of such records filed under seal. Defendant shall submit its  
20 memorandum within 14 days of this Order. Plaintiff has 7 days to file a response, if any is desired.  
21 No reply shall be permitted.

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23 Dated this 14th day of July, 2022.

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25 ELAYNA J. YOUCHAH  
26 UNITED STATES MAGISTRATE JUDGE  
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